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ART UNIT	PAPER NUMBER
2137	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/625,312	PATANKAR ET AL.
	Examiner	Art Unit	
	Shewaye Gelagay	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>06 August 2007</u>.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-3,5-11,16-20,26-29 and 35-43</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-3,8-11,16,20,26-28 and 35-42</u> is/are rejected.

7) ☒ Claim(s) <u>5-7,17-19 and 43</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to Applicant's amendment filed on August 6,

2007. Claims 1, 3, 5-9, 11, 16-19, 26-29 and 35-41 have been amended. Claim 4 is

canceled. New claim 43 is added. Claims 1-3, 5-11, 16-20, 26-29 and 35-43 are

pending.

Claim Objections

2.   In view of the amendment filed August 6, 2007, the Examiner withdraws the

objection to claim 29.

Claim Rejections - 35 USC § 112

3.   In view of the amendment filed August 6, 2007, the Examiner withdraws the

rejection of claim 3 under 35 U.S.C. 112.

Claim Rejections - 35 USC § 101

4.   In view of the amendment filed August 6, 2007, the Examiner withdraws the

rejection of claims 1-11 and 35-40 under 35 U.S.C. 101.

Response to Arguments

5.   Applicant's arguments filed August 6, 2007 have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

7.   Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 recites, "executing the requested resource if the resource signature does not match the verification signature". Claim 8 does not further limit claim 1 because claim 1 recites, "executing the requested resource if the resource signature matches the verification signature". Appropriate correction is required.

8.   Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 recites, "preventing the requested resource from execution if ... and the accessibility is loadable." Claim 9 does not further limit claim 1 because claim 1 recites, "preventing the requested resource from execution if ... and the accessibility is restricted". Appropriate correction is required.

9.   Claim 17 recites the limitation "the organized names". There is insufficient antecedent basis for this limitation in the claim.

10.   Claim 28 recites the limitation "the stringed function". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

12.   Claims 1-3, 8-11, 16, 20, 26-28 and 35-42 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Garst et al. (hereinafter Garst) US Patent Number

6,188,995 in view of Jones et al. (hereinafter) Jones U.S. Patent Number 6,629,154 and

in view of Shaughnessy U.S. Patent 6,026,235.

As per claim 1:

Garst teaches a method for managing access to resources, comprising:

generating a list of resource signatures; (col. 5, line 67-col. 6, line 2) accessing the list

of resource signatures, each of the resource signatures configured with accessibility

status, wherein the accessibility status includes one of loadable and restricted; (col. 5,

line 67-col. 6, line 2) generating a verification signature for a requested resource; (col. 6,

lines 3-15) comparing the verification signature for the requested resource to the list of

resource signatures; (col. 6, lines 3-15) executing the requested resource if the

resource signature matches the verification signature and the accessibility status is

loadable; and preventing the requested resource from execution if the resource

signature matches the verification signature and the accessibility status is restricted.

(col. 6, lines 15-20) In addition, Garst further teaches license string specifies the names

of the program licensed. (col. 5, lines 15-20) Garst does not explicitly teach a signature

being generated at least on function names included in an import table of a

corresponding resource. Jones in analogues art, however, teaches a signature being generated at least on function names included in a corresponding resource. (col. 5, lines 35-67; col. 11, lines 15-35) Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the method disclosed by Garst with Jones in order to uniquely identify a method to invoke using a hash value computed. (Abstract; Jones) Both references do not explicitly disclose an import table. Shaughnessy in analogous art, however teaches an import table. Therefore it would have been obvious to one ordinary skill in the art to modify the method disclosed by Garst and Jones with Shaughnessy in order to determine the names and address of all functions in an application. (col. 4, lines 16-17; Shaghnessy)

As per claims 2 and 40:

The combination of Garst, Jones and Shaghnessy teaches all the subject matter as discussed above. In addition, Garst further teaches wherein the resources include applications or programs. (col. 2, lines 56-67)

As per claims 3 and 27:

The combination of Garst, Jones and Shaghnessy teaches all the subject matter as discussed above. In addition, Garst further teaches each of the resource signatures and a verification signature is generated for enforcing software license that includes a dynamic link library. (col. 5, lines 1-65) In addition, Jones further teaches wherein the signature is generated based on one or more by applying a hash function to the method string names, (col. 5, lines 1-65)

As per claim 8:

The combination of Garst, Jones and Shaughnessy teaches all the subject

matter as discussed above. Claim 8 does not further limit claim 1, therefore, is rejected

on the same basis as claim 1. (see 112 rejection above)

As per claim 9

The combination of Garst, Jones and Shaughnessy teaches all the subject

matter as discussed above. Claim 9 does not further limit claim 1, therefore, is rejected

on the same basis as claim 1. (see 112 rejection above)

As per claim 28 and 36-37:

The combination of Garst, Jones and Shaughnessy teaches all the subject

matter as discussed above. In addition, Garst teaches retrieving data from an

executable of the requested application; and hashing organized information. (col. 5,

lines 1-65) In addition, Shaughnessy further teaches sorting the retrieved data; and

organizing the sorted information in a predetermined manner. (col. 4, lines 14-28)

As per claim 10:

The combination of Garst, Jones and Shaughnessy teaches all the subject

matter as discussed above. In addition, Garst further teaches wherein a same

procedure is followed to generate each of the resource signatures and to generate a

verification signature. (col. 5, lines 36-38)

As per claim 11:

The combination of Garst, Jones and Shaughnessy teaches all the subject

matter as discussed above. In addition, Garst further teaches coding the generated list

of resources signatures into a dynamic link library (DLL) (col. 15, lines 35-54)

As per claims 16, 26, 35 and 41

Garst teaches a method of restricting particular applications, comprising: receiving a list of application fingerprints corresponding respectively to restricted applications; (col. 5, line 67-col. 6, line 2) receiving a request to execute an application; (col. 5, line 67-col. 6, line 2) generating a confirmation fingerprint for the requested application; (col. 6, lines 3-15) comparing the confirmation fingerprint to the list of application fingerprints; (col. 6, lines 3-15) and restricting the requested application if the confirmation fingerprint matches one of the application fingerprints respectively corresponding to restricted applications. (col. 6, lines 15-20) Garst in analogous art, however, discloses wherein the confirmation fingerprint is generated at least from function names included in an import table of the requested application. In addition, Garst further teaches license string specifies the names of the program licensed. (col. 5, lines 15-20) Garst does not explicitly teach a signature being generated at least on function names included in an import table of a corresponding resource. Jones in analogues art, however, teaches a signature being generated at least on function names included in a corresponding resource. (col. 5, lines 35-67; col. 11, lines 15-35) Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the method disclosed by Garst with Jones in order to uniquely identify a method to invoke using a hash value computed. (Abstract; Jones) Both references do not explicitly disclose an import table. Shaughnessy in analogous art, however, teaches an import table. Therefore it would have been obvious to one

ordinary skill in the art to modify the method disclosed by Garst and Jones with

Shaughnessy in order to determine the names and address of all functions in an

application. (col. 4, lines 16-17; Shaghnessy)

As per claim 20:

The combination of Garst, Jones and Shaughnessy teaches all the subject

matter as discussed above. In addition, Garst teaches a method wherein the restricted

applications are not licensed. (col. 6, lines 23-39)

As per claim 38:

The combination of Garst, Jones and Shaughnessy teaches all the subject

matter as discussed above. In addition, Garst further teaches wherein the API is

included in an operating system. (col. 6, lines 47-66; col. 7, line 39-col. 8, line 65)

As per claim 39:

The combination of Garst, Jones and Shaughnessy teaches all the subject

matter as discussed above. In addition, Garst further teaches wherein the operating

system runs on a web server. (col. 15, line 55- col, 16, line 13)

As per claim 42:

The combination of Garst, Jones and Shaughnessy teaches all the subject

matter as discussed above. In addition, Garst further teaches downloading an updated

list of the classified digital signatures to the operating system. (col. 11, lines 26-50; col.

15, line 55- col, 16, line 13)

13.   Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over as being

anticipated by Garst et al. (hereinafter Garst) Jones et al. (hereinafter) Jones U.S.

Patent Number 6,629,154 and in view of Shaughnessy US Patent 6,026,235 and further

in view of Atkinson et al. (hereinafter Atkinson) US Patent Number 5,892,904.

As per claim 29:

The combination of Garst, Jones and Shaughnessy teaches all the subject

matter as discussed above. In addition Jones further teaches wherein hashing the

organized named include performing a digest hash and a Secure Hash Algorithm

(SHA)1. (col. 9, lines 27-53) None of the references explicitly disclose wherein the

instruction to hash further includes and instruction to execute an MD5 hashing

algorithm. Atknison in analogous art, however, discloses wherein the instruction to hash

further includes and instruction to execute an MD5 hashing algorithm. (col. 20, lines 1-

10) Therefore it would have been obvious to one ordinary skill in the art to modify the

method disclosed by Garst, Jones and Shaughnessy with Atkinson in order to provide a

preferential hash algorithm. (col. 20, line 2; Atkinson)

Allowable Subject Matter

14.   Claims 5 and 16 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims. The following is a statement of reasons for

the indication of allowable subject matter: None of the prior art either taken singularly or

in combination teach "wherein generating the verification signature for the requested

resource includes: retrieving a plurality of names from the import table, wherein the

plurality of names at least include function name; storing the retrieved names;

concatenating the sorted names and executing a cryptographic manipulation of the

concatenated names" including the limitations of claim 1.

15.   Claims 6-7, 18-19 and 43 that are directly or indirectly dependent on claims 5

and 16 are also objected too.

Conclusion

16.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shewaye Gelagay whose telephone number is 571-272-

4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shewaye Gelagay

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